

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JOSE I. POLANCO,	:	
Petitioner,	:	
	:	PRISONER
v.	:	CASE NO. 3:08cv625 (AWT)
	:	
WARDEN,	:	
Respondent.	:	

RULING AND ORDER

On February 24, 2009, the court denied petitioner's motion to reopen this case. See Doc. #12. Petitioner now has filed a motion for reconsideration of that decision.

Motions for reconsideration must be filed within ten days from the filing date of the decision from which relief is sought. D. Conn. L. Civ. R. 7(c). Petitioner did not file his motion for reconsideration until June 29, 2009, over four months after the court denied his motion to reopen. Thus, petitioner's motion for reconsideration [**doc. #13**] is **DENIED** as untimely filed.

In addition, even if the motion were timely filed, relief should be denied. Reconsideration will be granted only if the moving party can identify controlling decisions or data that the court overlooked and that would reasonably be expected to alter the court's decision. See Schrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). A motion for reconsideration may not be used to relitigate an issue the court already has decided. See SPGGC, Inc. v. Blumenthal, 408 F. Supp. 2d 87, 91 (D. Conn. 2006), aff'd in part and vacated in part on other grounds, 505

F.3d 183 (2d Cir. 2007).

Petitioner submits the same information he attached to his motion to reopen. He has not identified any controlling decisions overlooked by the court. He merely seeks a different result. Thus, reconsideration is not warranted. As the court informed petitioner in the prior ruling, after he exhausts his state court remedies, he should file a new federal habeas action.

It is so ordered.

Dated this 17th day of July 2009, at Hartford, Connecticut.

/s/AWT  
Alvin W. Thompson  
United States District Judge